Proposed Water Conservation Rules (Env-Ws 390)

(April 13, 2004)

Applicants applying for permits to develop new sources of water need to be aware that they may be subject to new water conservation requirements required by RSA 485.61 which became law in July 2002. The law requires that the Department of Environmental Services (Department) adopt water conservation rules for applicants developing the following type of new water sources:

1. New sources of groundwater for community water systems subject to RSA 485:3;

2. New sources of groundwater for bottled and bulk water operations subject to RSA 485:3;

3. New sources of groundwater that exceed 57,600 gallons over any 24-hour period subject to RSA 485-C; and

4. New sources of surface water associated with projects that require a water quality certification pursuant to Section 401 of the Federal Clean Water Act.

Since July 2003, the Department met with an advisory committee consisting of representatives of municipalities, community water systems, environmental organizations, and business and industry to develop an initial draft of the water conservation rules. The advisory committee completed its work by reviewing, discussing and amending four preliminary drafts of the rules. The Department is now initiating the process to formally adopt the rules. **The rulemaking process could be completed as early as October of 2004**.

Once the rules are adopted, all new applicants for new sources will be required to meet the requirements of the rules. Until then, applicants will be expected to meet the intent of the law via compliance with the proposed rules or by otherwise demonstrating water use efficiency. A general summary of the requirements of the draft rules is provided below.

Requirements for All Large Community Water Systems and All New Small Community Water Systems Developing New Sources of Water

1. Install and maintain meters for all water withdrawals and service connections.

2. Implement a water audit, leak detection and leak repair program in accordance with the "Manual of Water Supply Practices, Water Audits and Leak Detection", document identification number AWWA M36, American Water Works Association, 1999.

3. When applicable, development and implementation of response plans to reduce unaccounted for water to less than 15%.

4. Implement a rate structure that encourages efficient water use.

5. Implement a water conservation educational outreach initiative.

Requirements for Existing Small Community Water Systems Developing New Sources of Water

1. Either: a) Install source and service connection meters and implement a water audit, leak detection and leak repair program in accordance with the "Manual of Water Supply Practices, Water Audits and Leak Detection", document identification number AWWA M36, American Water Works Association, 1999; **or** b) Complete a system-wide leak detection once every two years.

2. Repair all leaks within 60 days of identification.

3. Implement a water conservation educational outreach initiative.

Requirements for Applicants Developing New Sources of Water for Industrial, Commercial, or Institutional Water Uses

1. Install water meters for all water sources.

2. Retrofit or replace single pass water-cooling systems when feasible based upon an economic analysis that includes a four-year payback period.

3. Install controls to stop the overflow or discharge of water to waste when feasible based upon an economic analysis that includes a four-year payback period.

4. Identify water conservation best management practices or best available technologies that may be applicable to the types of water-using processes at the subject facility, and implement these measures when feasible based upon an economic analysis that includes a four-year payback period.

5. For all new lawn areas, install six (6) inches of loam and devices to shut-off automatic irrigation systems when not needed.

For more information about the draft water conservation rules, or for information about the status of the rulemaking process, contact Brandon Kernen at 271-0660 or bkernen@des.state.nh.us.